PRESERVED

App. F. IX-4

1938.
(Cls)

File No. 124/38
Serial Nos. 1—2.

Previous References

Letter References

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two only.

Part B for February 1939.

SUBJECT.

Introducing certain new forms of decree for Regular and Second Appeals in place of the existing forms

S.S To The Registrar, High Court
No. 4892 D. 30.1.39

WD 0295—GPB—22,500—18-8-37

Sanctioned.

Mirza Nazeer Hussain
14/2

4376 p 638 /

R. O. C. No. 391
~~D. Dis.~~ 38-39

Encl 2

HIGH COURT OF MYSORE,
Public Office Buildings, Cubbon Park,

Bangalore, 5th January *1939*.

CS 124-38-1

FROM T. Shamiengar, Esq., B.A., B.L.,
~~A. Sundaraja Rao, Esq., B.A., B.L.,~~
~~S. Venkata Ranga Iyengar, Esq., B.A., LL.M.,~~
Registrar, High Court of Mysore.

CHIEF SECRETARY, Pmh - 6. JAN 1939 GOVT. OF MYSORE.

Rajasevaprasaktha
B.T. Keshaviengar, Esq., B.A.,
Chief Secretary to the Government of Mysore,
Bangalore.

8/1

SIR,

I am directed to state that in drawing up decrees in appeals in the High Court it has for a long time been the practice to quote only a few of the grounds of appeal, which are selected by the officer drafting the decree. The printed decree form in use countenances this practice and indeed provides very little space for inserting any ground of appeal. This practice of including, almost arbitrarily, only some of the grounds of appeal does not appear to be either satisfactory or proper. No object is achieved by quoting grounds of appeal if all are not quoted. A superior Court of appeal or revision may often want to know what were the grounds of appeal in a lower Court - most often in order to know whether a point has been taken in the lower Court. For that purpose an incomplete list of the grounds of appeal is useless. There is no superior Court to be interested in the grounds of appeal in the High Court. If it is necessary to refer in other litigation to the grounds of appeal in a case of this Court - in connection with questions of res judicata or otherwise - the records are in the High Court and copies can be obtained. Thus quoting grounds of appeal above the decrees of the High Court serves no useful prupose, and quoting some of them only serves no purpose at all and may often be misleading. It may be added that the printed form of decree in use in this Court is not in accordance with the form prescribed by the Code of the Civil Procedure in more than one respect.

In these circumstances the Judges of the High Court are of opinion that the present practice of quoting some grounds of appeal

above

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above the decrees of the High Court should be stopped and that no ground of appeal should be quoted in future. The Judges therefore propose to prescribe for the use of the Court under Part X of the Code of Civil Procedure the two forms of decree appended for Regular Appeals and Second Appeals respectively. With these proposals the Rule Committee agrees. They were published in the Mysore Gazette dated 15th December 1938 in accordance with Section 122 of the Code; but no objection nor suggestion has been received. I am directed to request that the Government will be pleased to sanction under Section 126 of the Code of Civil Procedure the introduction of these new forms instead of those now in use.

I have the honour to be,

Sir,

Your most obedient servant,

J. Ramiengar

Registrar.

VJC

(Decree of Appellate Court.)
((O.41 R.35, ~~C.P. Code~~ Code of Civil Procedure)
(H.C.No.32, ~~Civil~~ .)

IN THE HIGH COURT OF MYSORE AT BANGALORE:

Present

Chief Justice
Mr. Justice

and

Mr. Justice

REGULAR APPEAL NO. OF 19 -19

Appellant*..... Vs. Respondent*.....

This Appeal from the decree of the Court of the .....
.....in.....of
.....on its file dated the .....
day of ..... 19..... coming on for hearing
on the ..... day of .....19...
in the presence of Mr....., Advocate, for the -
Appellant and Mr....., Advocate, for the
Respondent.

It is ordered and decreed that

Here enter the word 'Plaintiff', 'Defendant', 'Decree-holder', 'Judgment-debtor', Petitioner or Respondent', as the case may be.

And

And it is further ordered and decreed that the aforesaid do pay to the aforesaid the sum of Rupees being the amount of costs incurred by the latter in this Court with interest thereon at 6 per cent per annum from this date until the date of realization.

And it is further ordered and decreed that the aforesaid do pay to the aforesaid the sum of Rupees being the amount of costs incurred in the lower Court with interest thereon at 6 per cent per annum from the date of the decree of the said lower Court to the date of realization.

Given under my hand and the seal of this Court, this day of ..... 19.....

Seal

Registrar.

R.A. No. of 19 -19

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MEMORANDUM OF COSTS INCURRED IN THIS APPEAL.

	By the Appellant			By the Respondent		
Value of R.A.	Rs.	As.	P.	Rs.	As.	P.
Court fee on Memo of Appeal						
,, Application						
,, Power of Attorney						
,, Processes						
,, Copies of Decree and Judgment						
Advocate's Fee						
Costs of Adjournment						
Fees for copying						
Special Copying Charges						
Fees for translation						
Costs on Remand						
Printing ~~Charges~~ Charges						
Total						

Dy. Registrar.

Advocate for Appellant.

Advocate for Respondent.

WD 02399—GPB—1,000—14-5-36

S.A. No. of 19 -19

MEMORANDUM OF COSTS INCURRED IN THIS APPEAL.

Value of S.A.

	By the Appellant			By the Respondent		
	Rs.	As.	P.	Rs.	As.	P.
Court fee on Memo of Appeal						
,, Application						
,, Power of Attorney						
,, Processes						
,, Copies of Decrees and Judgments						
Advocate's Fee						
Costs of Adjournment						
Fees for copying						
Special Copying Charges						
Fees for translation						
Costs on Remand						
Printing ~~Typing~~ Charges						
Total						

Dy. Registrar.

Advocate for Appellant.

Advocate for Respondent.

WD 02399—GPB—1,000—14-5-36

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

Read:-

Letter No.R.O.C.391/38-39 dated the 5th January 1939 from the Registrar, High Court, requesting in the circumstances explained sanction to the introduction of the two forms of decrees appended hereto for Regular and Second Appeals respectively instead of those now in use.

ORDER NO. P. 4092 Cl 5 124-38-2

Dated Bangalore, 30th January 1939. (Ex 2)

Sanctioned. 3187

Chief Secretary to Government.

To

The Registrar, High Court of Mysore.

File copy

HKR.

Decree of Appellate Court.
(O.41R.35, Code of Civil Procedure)
H.C. No. 32

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Present

Chief Justice
Mr. Justice

and

Mr. Justice

REGULAR APPEAL NO. OF 19 -19 .

Appellant* ..... Vs. Respondent* .....

This Appeal from the decree of the Court of the .....
.....in.....of
.....on its file dated the.....
day of .....19.....coming on for
hearing on the .....day of.....19...
in the presence of Mr. .....Advocate for the
Appellant and Mr. .....Advocate for the
Respondent.

It is ordered and decreed that

* Here enter the word 'Plaintiff', 'Defendant', 'Decree-holder', 'Judgment-debtor' 'Petitioner' or 'Respondent', as the case may be.

And

And it is further ordered and decreed that the
aforesaid do pay to the
aforesaid the sum of Rupees
being the amount of costs incurred by the latter in this Court with interest thereon at 6 per cent per annum from this date until the date of realization.

And it is further ordered and decreed that the
aforesaid do pay to the
aforesaid the sum of Rupees
being the amount of costs incurred in the lower Court with interest thereon at 6 per cent per annum from the date of the decree of the said lower Court to the date of realization.

Given under my hand and the seal of this Court, this day of.....19.....

Seal

Registrar.

28.1.38
for Chief Secy to Govt

Ans 5 of 2

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Decree of Appellate Court
(O. 41 R. 35, Code of Civil Procedure)
H.C. No. 32, A.

IN THE HIGH COURT OF MYSORE AT BANGALORE.

Present

Chief Justice
Mr. Justice

and

Mr. Justice.

SECOND APPEAL NO. 19 -19 -

Appellant* ..... Vs. Respondent* .....

This Second Appeal from the decree of the Court of the.....
.....in Regular Appeal No. .....
of ..... on its file dated the .....
day of .....19 .....confirming / reversing / modifying the decree of the
Court of.....in.....
.....of .....on its file dated the .....
.....day of .....19.....
coming on for hearing on the .....day of
.....19 .....in the presence Mr. .....
.....Advocate for the Appellant and
Mr.....Advocate for the Respondent.

It is ordered and decreed that

And it is further ordered and decreed that the
aforesaid do pay to the
aforesaid the sum of Rupees

being the amount of costs incurred by the latter in this Court with interest thereon at 6 per cent per annum from this date until the date of realization.

And it is further ordered and decreed that the

aforesaid do pay to the

aforesaid the sum of Rupees

being the amount of costs incurred in the lower appellate Court with interest thereon at 6 per cent per annum from the date of the decree of the said lower appellate Court to the date of realization.

*Here enter the word 'Plaintiff', Defendant', 'Decree-holder', Judgment-debtor,' 'Petitioner' or 'Respondent', as the case may be.

And it is further ordered and decreed that the

aforesaid do pay to the

aforesaid the sum of Rupees

being the amount of costs incurred in the trial Court with interest thereon at 6 per cent per annum from the date of the decree of the trial Court to the date of realization.

Given under my hand and the seal of this Court, this day of .....19.....

Seal

Registrar.